

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|----------------------------|---|--------------------------|
| KELLY J. BARLEAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-23-00488-JD |
| |) | |
| OKLAHOMA COUNTY CRIMINAL |) | |
| JUSTICE AUTHORITY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Under the Federal Rules of Civil Procedure, a complaint must include, among other things, “a short and plain statement of the claim” showing Plaintiff is entitled to relief. Fed. R. Civ. P. 8(a)(2). Additionally, each allegation in the complaint must be “simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1).

““Something labeled a complaint but written more as a press release, prolix in evidentiary detail, yet without simplicity, conciseness and clarity as to whom plaintiffs are suing for what wrongs, fails to perform the essential functions of a complaint.”” *Mann v. Boatright*, 477 F.3d 1140, 1148 (10th Cir. 2007) (quoting *McHenry v. Renne*, 84 F.3d 1172, 1180 (9th Cir. 1996)). “Significantly, Rule 8(a) establishes a ceiling (the complaint must be *no more than* a short and plain statement) and not a floor (the complaint must *at least* be a short and plain statement).” *Toevs v. Reid*, 267 F. App’x 817, 818–19 (10th Cir. 2008) (unpublished) (internal quotations and citation omitted). *See also Mann*, 477 F.3d at 1148 (affirming dismissal of a 99-page complaint that was made “unintelligible ‘by

scattering and concealing in a morass of irrelevancies the few allegations that matter””) (quoting *U.S. ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003)).

On preliminary review, Plaintiff’s 142-page complaint [Doc. No. 1] does not appear to comply with Rule 8. Plaintiff Kelly J. Barlean is therefore ORDERED to show cause within 14 days why the Court should not dismiss his complaint. Alternatively, by the 14-day deadline, Plaintiff may file an amended complaint that comports with the Federal Rules of Civil Procedure. *See, e.g.*, Fed. R. Civ. P. 8; Fed. R. Civ. P. 15.

IT IS SO ORDERED this 9th day of June 2023.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE